IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.499 OF 2006

Shantaram Hainder Bhoir .. Petitioner.
Vs.
The State of Maharashtra .. Respondent.

Mr.R.D.Suryavanshi for the petitioner.
Mr.A.S.Shitole A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 27TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner has impugned the following order in the instant petition:

> "1. None present for applicant. Perused the order in dispute. This revision is filed against the order dated 14/2/05 on application filed by present applicant for temporary custody of jaggery. As per the order Jaggery has been disposed of by the police and amount is credited to Government treasury. As such I find no substance in the revision. Hence the order:
>
> Revision stands rejected."

3. It appears that the jaggery was auctioned and M/s.Burns Philp (India) Ltd., Kegaon, Uran, Dist.Raigad was the successful bidder. However, the auction purchaser was found to be bogus bidder and,

therefore, the police have registered offence against them bearing C.R.No.221/2005 under sections 406, 420, 423, 467 and 468 of I.P.C. There is no dispute that the jaggery is still lying in the shop of the petitioner under the seal of police. Keeping that in view I am satisfied that the following order shall meet the ends of justice:

. The impugned order dated 6.5.2005 (Exhibit-F to the petition) is quashed and set aside. The revision is restored to file. The Additional Sessions Judge, Greater Mumbai to decide criminal revision application No.104 of 2005 afresh on merits in accordance with law as expeditiously as possible and preferrably within 12 weeks from today. It is open for the respondent-State to oppose the prayer of the petitioner seeking custody of the jaggery on the ground that he does not hold valid licence for the same. This and all other contentions that would be raised before the learned Sessions Judge be dealt with in accordance with law.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)